



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 2, 1998

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR98-2092

Dear :Mr. Castaneda:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117764.

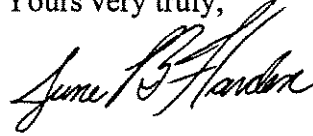
Dallas Area Rapid Transit ("DART") received an open records request for all records pertaining to the requestor held by the customer service department and the transit police. You have submitted to this office as responsive to the request various handwritten documents, offense reports, citations, correspondence, faxed communications, and inter-office memoranda. You contend that because the requestor received a citation from the transit police that is currently pending before the justice of the peace, DART may withhold the requested records pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 at 1 (1991). In this instance, you have not established that DART is a party to the criminal litigation. We therefore conclude that you have not met your burden of demonstrating the applicability of section 552.103 in this instance. *See* Open Records Decision No. 469 (1987) and authorities cited therein. Accordingly, DART may not withhold any of the requested information pursuant to this exception. Because you have raised no other applicable exception with regard to these materials, DART must release the requested information in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/ch

Ref.: ID # 117764

cc: Mr. Alfonso Jackson
8303 N. Skillman No. 167
Dallas, Texas 75231
(w/o enclosures)